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09/240,250	01/29/1999	BRIAN BOESCH		7144

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EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Office Action Summary	Application No. 09/240,250	Applicant(s) Boesch
		Examiner Cuong H. Nguyen	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___*3*___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 11, 2002* _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-79* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-79* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a)☐ All b)☐ Some* c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

1. This Office Action is the answer to the "Response to Office Action" received on 10/11/2002, which paper has been placed of record.

2. Claims **1-79** are pending in this application.

Response:

3. The examiner submits that http://www.amazon.com from Amazon.com, Inc. has been very well-known to many people. Its history of business operation was backed to 1996 (see attached of related article about Internet archive to see that web-site has been existed and is proper for a prior art). Applicant argues that "the web pages provided by the Examiner depict a printing date of January 28, 2002. Thus, the relevance of these web pages is unclear to the Applicant, since January 28, 2002 is three years after the priority date claimed by the present application", and "… the 16-page example of Amazon.com, Inc.'s web site is not a proper reference under 35 U.S.C. 103(a)". The examiner disagrees for above conclusion; the 16-page example of Amazon.com was printed from examiner's printer on January 28, 2002; it doesn't meant that amazon.com, Inc. business practice is three year **after** the present application's priority date. In the latest response, there is no argument about the fact that claims' limitations have been well-known according to the Official Notice of the examiner; therefore, the examiner assumes that the

applicant agrees about the Official Notice taken by the examiner is valid.

4. The examiner's opinions about the pending claims are as following:

A. In the claims for "a system" with components or modules or devices etc., only physical structure would be considered as having weights. The examiner submits that in pending claims, particular language does not serve as a limitation on the claim.

B. Since this case is for a utility patent, the claims must be directed to systems, methods or articles of manufacture that have a clear utility. See MPEP 706.03(a) . Over the years, numerous court decisions have analyzed the content of various claimed language for meaningful, useful differences in structure or acts performed between the claims and the prior art. Some of these decision have found that certain language adds little, if anything, to the claimed structure or acts and thus do not serve as a limitation on the claims to distinguish over the prior art. For example, language directed to an intended use of dispensing popcorn in a claim for a product did not result in a structural or functional difference with respect to prior art and were held not to serve as a limitation on the claim. See in re **Schreiber**, 44 USPQ2d 1429 (CAFC 1997).

C.   Thus, a limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim.   In other words, language that is not functionally interrelated with the useful acts, structure, or properties of the claimed invention will not serve as a limitation.   See in re **Gulack,** 217 USPQ 401 (CAFC 1983), ex parte **Carver,** 227 USPQ 465 (BdPatApp&Int 1985) and in re **Lowry,** 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims.

D.   The subject matter as a whole would be obvious to one of ordinary skill in the art according to cited references and the examiner did examine each pending claim as a whole.

E.   On page 4, para.6 (of the response dated 5/08/02), the applicant said "there is no suggestion or motivation" because "to have the merchant (Amazon.com) maintain the consumer's wallet" but this fact (having a merchant maintains a consumer's wallet) was never been distinguished in pending claims.   In the next para.#2 of page 5, the use of the words "at least one merchant computer" in claims made the amazon.com's prior art proper although the applicant argues that he meant differently.

F. Re. to claims 1-2:   The applicant argues that cited references failed to disclose "at least one consumer information server

3

further comprises consumer information server software, wherein

the consumer information server software further comprises

instructions for forwarding an email message to the at least one

consumer computer, and wherein the email message further

comprises the proper links for connecting the consumer's web

browser to the consumer information server to allow the at least

one consumer to begin a registration process,", the examiner

interprets this limitation as: <u>an information/consumer server,</u>

<u>wherein said server comprises instructions</u> for specific purposes

(i.e., forwarding a message)(see page 5 of "Reply under 37 CFR

1.111" on 5/08/2002).

The examiner submits that since this is a "system" claim,

above limitation is essential for weighting in that claimed

system, additional information in said claims are obvious if an

art comprises <u>an information server, wherein said server</u>

<u>comprises instructions for forwarding a message</u>. **Amazon.com**

(Bezos '411, Bezos '399, Bezos '163) meet that interpretation.

G. <u>Re. to claims **5, 6-10**</u>: The applicant argues that cited

references failed to disclose "merchant computer further

comprises web server software ... <u>for forwarding an email message</u>

to the at least one consumer computer, <u>wherein the email message</u>

<u>further comprises the proper links</u> for connecting the consumers'

web browser to a consumer information server to allow the at

least one consumer to begin a registration process;". (see page

5, para.4 to page 6, para.1 of "Reply under 37 CFR 1.111" on

5/08/2002).

The examiner submits that since these are "system" claims,

above limitation is essential for weighting in that claimed

system, additional information in said claims are obvious if an

art comprises "a computer comprises web server software … for

forwarding an email message to the at least one consumer

computer, wherein the email message further comprises the proper

links". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet

that interpretation; e.g., US Pat. 6,246,996 discloses in claim

15: "A method for a first party operating on behalf of a third

party to facilitate conducting transactions over the Internet

with a second party, the method comprising the steps of:

on a server of a first party, associating a transaction with the

second party with a unique transaction identifier;

from said server of said first party, sending a first e-mail

message to an e-mail address of said second party wherein said

first e-mail message includes a response address to which a

computer program of said second party can automatically format

and send a reply e-mail message and said unique transaction

identifier, and further wherein said first e-mail message

5

includes a message providing choices from which the second party

can make a selection regarding said transaction;

from a computer connected to the Internet operated by the second

party, receiving said first e-mail message;

from the computer connected to the Internet operated by the

second party, operating a program to automatically send a second

e-mail message, wherein said second e-mail message is

automatically formatted by a program of the second party as a

reply e-mail message directed to said response address and

including said transaction identifier, and further wherein said

second e-mail message includes an indication of a selection from

said choices;

on a server of said first party, receiving said second e-mail

message directed to said reply e-mail address and including said

transaction identifier and said indication of said second party;

and from said server of said first party, initiating processing

of said transaction based upon said selection by said second

party."; or US Pat. 5,848,397 discloses:

"The banner advertisement 601 may be interactive. For example, by

clicking on a specified portion of the banner advertisement 601,

the user may be provided with additional information concerning

the subject matter of the banner advertisement 601. Likewise, the

user may access an e-mail message template including the e-mail

6

address of a vendor associated with the banner advertisement 601

being displayed, so that the user may easily forward comments or

requests for additional information. Clicking on the banner

advertisement 601 may also cause an e-mail message to be

automatically completed (including the message text) and either

transmitted immediately to the vendor or stored in an "outbox"

for later transmission."; or US Pat. 5,842,178 discloses:

"Once vendors are selected to receive RFQs, the RFQ information

may be transmitted to them via FTP over the Internet, however, a

preferred way would be to provide vendors with software which

permits them to schedule when they wish to communicate with the

quotation system. In this case, the vendor software would contact

the quotation system over the Internet via FTP; the quotation

system would interrigate the vendor's product database (using

suitable software which links or cross references the vendor's

inventory to the quotation system product and services lists) and

retrieve pricing and other information necessary to respond to

the RFQ; and thereafter prepare e-mail to be sent to the

requesting buyer member. FIG. 8 shows one possible

arrangement of RFQ data which would be e-mailed to a buyer. In

this example a request for quotation is sent for 5,000 OH006-

2000656 type J resistors manufactured by Ohmite for delivery by

Aug. 1, 1993. The buyer indicates that the delivery date is firm.

Other information such as RFQ date, tracking number and product
code are shown. In this case the sender has specified that this
request for quotation be routed to vendors in the state of New
Jersey USA only. The lower portion of FIG. 6. shows a response
from for example Acme Supply, Inc. together with pricing, contact
information, delivery and vendor notes indicating that the
request can be "Shipped 1000 per box from inventory, subject to
prior sale." The e-mail could be configured as HTML pages and
read as HTML by the buyer's browser directly or via application
helper software provided by the quotation system. One advantage
to providing buyers with HTML type e-mail quotations is that
hypertext links can be embedded in the quotation along with data
about the quotation which would premit the buyer to select a
response option directly from the quotation HTML page.";

H. Re. to claims **11, 12-17**: The applicant argues that cited
references failed to disclose "at least one consumer information
server further comprises consumer information server software and
at least one consumer information data structure comprising
consumer information associated with at least one consumer,
wherein the at least one consumer uses the web browser to access
the consumer information data structure via the consumer
information server and the network to obtain consumer information

8

which is associated with the at least one consumer;", (see page 6, para.2 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises ….. **Amazon.com (Bezos `411, Bezos `399, Bezos `163)** meet that interpretation.

I. <u>Re. to claims **18-20**</u>: The applicant argues that cited references failed to disclose "sending an email message over a network, wherein the email message comprises the proper links for connecting at least one consumer computer to at least one consumer information server…", (see page 6, para.3 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises …." . **Amazon.com (Bezos `411, Bezos `399, Bezos `163)** meet that interpretation.

J. <u>Re. to claims **21-34**</u>: The applicant argues that cited references failed to disclose "accessing the consumer information stored in a consumer data structure on the consumer information server; and displaying the consumer information to the consumer

using the consumer's web browser…", (see page 6, para.4 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises "…". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet that interpretation.

K. Re. to claims **35-40**: The applicant argues that cited references failed to disclose "at least one information server connected to the at least one accessee computer via the network and to the at least one accessor computer via the network, wherein the at least one information server further comprises information server software, wherein the information server software further comprises instructions for forwarding an email message to the at least one accessee computer, and wherein the email message further comprises the proper links for connecting the accessee's web browser to the information server to allow the at least one consumer to begin a registration process", (see page 6, para.5 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an

art comprises "…". **Amazon.com (Bezos `411, Bezos `399, Bezos** `163) meet that interpretation.

L. <u>Re. to claims **41-47**</u>: The applicant argues that cited references failed to disclose "accessor computer…software…for forwarding an email message to the at least one accessee computer, wherein the email message further comprises the proper links for connecting the accessee's web browser to an information server to allow the at least one accessee to begin a registration process;", see page 7, para. 2 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises "…". **Amazon.com (Bezos `411, Bezos `399, Bezos** `163) meet that interpretation.

M. <u>Re. to claims **48-56**</u>: The applicant argues that cited references failed to disclose "at least one information server further comprises information server software and at least one accessee information data structure comprising accessee information associated with at least one accessee, wherein the at least one accessee uses the web browser to access the accessee information data structure via the information server and the network to obtain accessee information which is associated with

the at least one accessee;", (see page 7, para. 3 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises "…". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet that interpretation.

N. Re. to claims 57-59: The applicant argues that cited references failed to disclose "sending an email message over a network, wherein the email message comprises the proper links for connecting at least one accessee computer to at least one information server; invoking a connection between the at least one accessee computer and the at least one information server using the proper links in the email message; connecting the at least one accessee computer to the at least one information server; invoking a registration process in the information server software; prompting the accessee for registration information; and saving the registration information from the accessee…", (see page 7, para.4 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an

art comprises "…". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet that interpretation.

O. <u>Re. to claims 60-73</u>: The applicant argues that cited references failed to disclose "establishing accessee information associated with an accessee in an accessee data structure in the at least one information server; accessing the accessee information stored in the accesseee data structure on the information server; and displaying the accessee information to the accessee using the accessee's web browser;", (see page 7, para.5 to page 8 para.1 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises "..". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet that interpretation.

P. <u>Re. to claims 74-76</u>: The applicant argues that cited references failed to disclose "merchant computer … software…sends at least one email message to at least one consumer wherein the at least one email message comprises at least one merchant offer and proper links for connecting the consumer's web browser to the consumer information server whereby allowing the at least one

consumer to complete a purchasing transaction;", (see page 8, para.2 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an art comprises "…". **Amazon.com (Bezos '411, Bezos '399, Bezos '163)** meet that interpretation.

Q. Re. to claim 77: The applicant argues that cited references failed to disclose "sending an email message from a merchant computer to at least one consumer computer, wherein the email message is sent over a network, the email message comprising at least one merchant's offer and proper links for connecting the consumer's web browser to the consumer information server; invoking a connection between the at least one consumer computer to at least one consumer information server using the proper links in the email message; and connecting the at least one consumer computer to the at least one consumer information server whereby allowing the at least one consumer to complete a purchasing transaction;", (see page 8, para.3 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims, above limitation is essential for weighting in that claimed system, additional information in said claims are obvious if an

art comprises "….". **Amazon.com (Bezos** '411, **Bezos** '399, **Bezos**
'163) meet that interpretation.

R. <u>Re. to claim</u> **78:** The applicant argues that cited references
failed to disclose "merchant computer…software…for gathering
purchasing information from the at least one consumer and for
allowing the at least one merchant to send and receive
information over the network, and wherein the merchant…software
gathers purchasing information from the at least one consumer,
forwards the consumer's purchasing information to the consumer
information server if the consumer elects to become a registered
consumer, and connects the consumer to the CIS;" (see page 8,
para.4 of "Reply under 37 CFR 1.111" on 5/08/2002).

The examiner submits that since these are "system" claims,
above limitation is essential for weighting in that claimed
system, additional information in said claims are obvious if an
art comprises "…". **Amazon.com (Bezos** '411, **Bezos** '399, **Bezos**
'163) meet that interpretation.

S. <u>Re. to claim</u> **79:** The applicant argues that cited references
failed to disclose "sending the gathered purchasing information
and proper links for connecting at least one consumer computer to
at least one consumer information server if the consumer elects
to become a registered consumer; invoking a connection between
the at least one consumer computer to at least one consumer

information server using the proper links; connecting the at

least one consumer computer to the at least one consumer

information server; prompting the consumer for registration

information; and saving the registration information from the

consumer." (see page 9, para.2 of "Reply under 37 CFR 1.111" on

5/08/2002).

The examiner submits that since these are "system" claims,

above limitation is essential for weighting in that claimed

system, additional information in said claims are obvious if an

art comprises "….". **Amazon.com (Bezos '411, Bezos '399, Bezos**

'163) meet that interpretation.

5. Note: MS Computer Dictionary, 3rd edition, 1997 defines that

wallet PC is a pocket-size portable computer designed to function

like a wallet, carrying "virtual" versions of one's

identification, money, credit cards, and other essentials, as

well as a mobile information source and communications tool;

according to this definition, the "wallet PC" (a main subject

matter) of this invention is not in pending claims; and

- cookie: is well-known to be used when a user returns to the

same Web site, the browser sends a copy of the cookie back to the

server; cookies are used to identify users, to instruct the

server to send a customer version of the requested Web page to

submit account information for the user, and for other

administrative purposes.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing
out and distinctly claiming the subject matter which the applicant regards as
his invention.

6. Claims … are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as

the invention. These claims called for an article of manufacture

(i.e., a computer-readable medium); however, above claims are

directed to methods combining with an article of manufacture

(process and product in a same claim), their limitations are not

conforming to the required claim's format (See *Ex parte **Lyell**, 17*

USPQ2d 1548 - Bd. Pat.Appl & Inter. 1990).

According to **Ex parte Lyell**, these claims are held to be

ambiguous and properly rejected under 35 USC 112, 2nd para.; such

claims are also be rejected under 35 USC 101 based on the theory

that these claims are directed to neither a "process" nor a

"article of manufacture" but rather embraces or overlaps two

different statutory classes of invention set forth in 35 USC 101

which is drafted so as to set forth the statutory classes of

invention in the alternative only.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

Action:

(a) *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

6.   Claims **1-79** are rejected under 35 U.S.C. § 103(a) as being

unpatentable over **amazon.com, Inc.** in view of the Official

Notice.

After examine pending claims, the examiner submits that

besides well-known claims' limitations, the only `arguable"

limitation in independent claims describing: sending a message to

a server, that server would forward said message comprising a

computer address, then `automatically" access that address. This

limitation has been done in computer processing, (that limitation

is the only feature in claims that the examiner think to be the

main idea for these pending claims) because instead of putting a computer address in an email, user can type in "GO TO" block to access that same address OR the same method has been INHERENTLY DONE by a server. Such claims' limitations have been widely used in Internet accessing (specifically amazon.com 's applications), and those Internet widely used features are very convenient for the users because it directly let the user immediately access wanted computer's sites. (Another example is a server let user access to its site, then inside the server there are address that matches the user's need, then the user only need to "click" to activate said wanted computer address). Moreover, 35 USC 103(a) rejections are proper for using submitted IDS to reject pending claims **1-79** with that very broad claimed languages; those references determine that what the applicant is seeking to claim is not inventive.

According to claims' structure, there are 3 separate components: consumer's computer, information server, and merchant's computer. These components are connected by networks (well-known), and exchanging information (emails, messages .etc.); the examiner submits that <u>there is nothing inventive of claiming this configuration according to prior art</u>.

Conclusion

7. Claims **1-79** are not patentable.

19

8.   Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is

set to expire THREE MONTHS from the mailing date of this action.

 In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the

date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the

date of this final action.

9.   These cited references are considered pertinent to pending

claims' limitations:

-    **Hartman** et al. (US Pat. 5,960,411 with a filing date of

9/12/1997) disclose a method and a system for placing an order to

purchase an item via the Internet. The order is placed by a

purchaser at a client system and received by a server system. The

server system receives purchaser information including

identification of the purchaser, payment information, and

shipment information from the client system. The server system

then assigns a client identifier to the client system and

20

associates the assigned client identifier with the received

purchaser information. The server system sends to the client

system the assigned client identifier and an HTML document

identifying the item and including an order button. The client

system receives and stores the assigned client identifier and

receives and displays the HTML document. In response to the

selection of the order button, the client system sends to the

server system a request to purchase the identified item. The

server system receives the request and combines the purchaser

information associated with the client identifier of the client

system to generate an order to purchase the item in accordance

with the billing and shipment information whereby the purchaser

effects the ordering of the product by selection of the order

button.

- **Conklin et al.** (US Pat. 6,141,653 with priority date of

11/16/98 – publishing date: 10/31/00) disclose a system for

iterative, multivariate negotiations over a network wherein a

multivariate negotiations engine for iterative bargaining which

enables a sponsor to create and administer a community between

participants such as buyers and sellers having similar interests;

allows a buyer/participant to search and evaluate seller

information, propose and negotiate orders and counteroffers that

include all desired terms, request sample quantities, and track

activity; allows a seller/participant to use remote authoring

templates to create a complete Website for immediate integration

and activation in the community, to evaluate proposed buyer

orders and counteroffers, and to negotiate multiple variables

such as prices, terms, conditions etc., iteratively with a buyer.

The system provides secure databases, search engines, and other

tools for use by the sponsor, which enable the sponsor to define

the terms of community participation, establish standards, help

promote the visibility of participating companies, monitor

activity, collect fees, and promote successes. All this is done

through a multivariate negotiations engine system operated at the

system provider's Internet site, thus requiring no additional

software at the sponsors', or participant sellers', or buyer's

sites. This also allows buyers and sellers to use and negotiate

payment options and methods that are accepted internationally.

The system maintains internal databases that contain the history

of all transactions in each community, so that sponsors, buyers

and sellers may retrieve appropriate records to document each

stage of interaction and negotiation. Documents are created by

the system during the negotiation process.

- **Breed et al.** (US Pat. 6,067,528 - May 23, 2000) disclose a

confidential market making system wherein a system for allowing

users to present themselves to an on-line market with a number of

information "veils" which, upon removal, reveal increasing levels of confidential information relating to the business being sold (if a seller) or sought (if a buyer). As prospective buyers (or sellers) consider entering into negotiations with prospective sellers (or buyers), the parties remove the veils one at a time, sequentially affording each complete control over the rate, quantity, and nature of information revealed to the other. The communications are specific between two parties and either party can terminate the communication at any point in the process. Each step is controlled by the user, but executed through the central CBeX System. All veil information concerning system users is directly loaded by the users into the system.

- **Barnes et al.** (US Pat. 5,970,475 - October 19, 1999) disclose an electronic procurement system and a method for trading partners wherein an Electronic Commerce system enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods/services. The system includes three major hardware and software components: buyer, supplier and bank/administration. To enable suppliers to supply goods and services online and process electronic orders, several software components are used for operating a supplier processor server and a supplier catalog server. To enable corporate purchasers to purchase products and services online, preferably over the

Internet, from suppliers, software is used for operating a customer server to which multiple users may log-on and access the supplier server. An Automated Clearing House (ACH) server may be used to interface with a bank's (ACH) systems. A service bureau that supplies the hardware and/or software components and assists to administer the system includes a transaction counter, which records transactions and charges the buyers and/or suppliers based on the number of purchase orders and/or invoices issued. Although the present invention has been described in relation to particular embodiments thereof, many other variations, modifications and other uses will become apparent in those skilled in the art. It is preferred that the present intention be limited not by the specific disclosure herein, but by the scope of the appended claims.

- **Boesch** et al., (US Pat. 6,092,053 - 7/18/2000) disclose a system and a method for merchant invoked electronic commerce; wherein a system and method for merchant invoked electronic commerce allowing consumers to purchase items over a network and merchants to receive payment information relating to the purchases. The system includes a server having software which gathers the purchasing information from a consumer to complete a purchasing transaction over a network. The system has a consumer

24

data structure that stores purchasing information for registered

consumers. The software is able to access the consumer data

structure and enter the consumer's purchasing information during

subsequent purchases. Having the software obtain and enter the

consumer's purchasing information, the consumer does not have to

enter the same information every time they purchase an item over

the network. In alternate embodiments, the same technology can be

applied to other arenas where a user may have to enter the same

repetitive information.

- **Sloo**, (US Pat. 5,668,953 - 9/16/1997) discloses a method and

an apparatus for handling a complaint; wherein a method and

apparatus for handling a complaint and associated response in a

computer by way of a telecommunications network is provided. The

complaint handling method includes the steps of receiving a

complaint, notifying the subject of the complaint, receiving a

response to the complaint from the subject, and storing the

complaint and associated response on a publicly accessible

computer bulletin board.

- **Kramer** (US Pat. 6,002,767 - 12/14/1999) discloses a system,

a method, and an article of manufacture for a modular gateway;

wherein, a Secure transmission of data is provided between a

plurality of computer systems over a public communication system,

such as the Internet. Secure transmission of data is provided

from a customer computer system to a merchant computer system,
and for the further secure transmission of payment information
regarding a payment instrument from the merchant computer system
to a payment gateway computer system. The payment gateway system
evaluates the payment information and returns a level of
authorization of credit via a secure transmission to the merchant
which is communicated to the customer by the merchant. The
merchant can then determine whether to accept the payment
instrument tendered or deny credit and require another payment
instrument. An architecture that provides support for additional
message types that are value-added extensions to the SET protocol
is provided by a preferred embodiment of the invention. A server
communicating bi-directional with a gateway is disclosed. The
server communicates to the gateway over a first communication
link, over which all service requests are initiated by the
server. The gateway uses a second communication link to send
service signals to the server. In response to the service
signals, the server initiates transactions to the gateway or
presents information on an a display device.

-    **Perkowski** (US Pat. 5,950,173 - 9/07/1999) discloses a system
and a method for delivering consumer product related information
to consumers within retail environments using Internet-based
information servers and sales agents wherein, a system and method

are disclosed for finding and serving consumer product-related

information over the Internet to consumers in retail shopping

environments, as well as at home and work, and on the road. The

system includes Internet information servers which store

information pertaining to Universal Product Number (e.g. UPC

number) preassigned to each consumer product registered with the

system, along with a list of Uniform Resource Locators (URLs)

that point to the location of one or more information resources

on the Internet, e.g. World Wide Web-sites, which related to such

registered consumer products. Upon entering the UPC number into

the system using a conventional Internet browser program running

on any computing platform or system, the menu of URLs associated

with the entered UPC number is automatically displayed for user

selection. The displayed menus of URLs are categorically arranged

according to specific types of product information such as, for

example: product specifications and operation manuals; product

wholesalers and retailers; product advertisements and promotions;

product endorsements; product updates and reviews; product

warranty/servicing; related or complementary products; product

incentives including rebates, discounts and/or coupons;

manufacturer's annual report and 10K information; electronic

stock purchase; etc. Web-based techniques are disclosed for

collecting the UPC/URL information from manufacturers and

transmitting the same to the Internet-based databases of the
system.

-    **Mital** (US Pat. 5,903,652 - 5/11/1999) discloses a system and
an apparatus for monitoring secure information in a computer
network; wherein, a secure transaction system apparatus and
method provide for the auditing of secure messages in a computer
network. The secure transaction system includes an electronic
commerce service which is in communication with multiple consumer
computers and multiple merchant computers. The consumer computers
initiate consumer transactions between the consumer computers and
the merchant computers. Each consumer transaction can include
different items, different merchants, different shipping methods
and different payment instructions. An order object within the
consumer computer stores summaries about the different items, the
different merchants, the different shipping methods and different
payment instructions during creation of each commercial
transaction. While generating transaction data, the consumer
computer also generates related audit data. The consumer
computers encrypt the transaction data and the audit data into
different encryption formats and send the encrypted transaction
data and the encrypted audit data to the electronic commerce
service. The electronic commerce service decrypts the audit data
and stores copies of the encrypted transaction data. The

electronic commerce service also routes the encrypted transaction data to the merchant computers. The merchant computers decrypt the encrypted transaction data and complete the desired commercial transaction. Thus, the electronic commerce service can audit secure transactions while maintaining confidentiality.

- **Moen et al.** (US Pat. 5,864,604 - 1/26/1999) disclose a method of providing message service for limited access telecommunications; wherein, the present invention is directed to a method of operating a telecommunications system for providing a message service to a plurality of end users. Existing telecommunications lines in conjunction with a telecommunications network system such as the Internet, Intranet, Extranet or similar environment is utilized. A computerized system can be used to establish a billing system for sponsors and to form an account for each sponsor purchasing subsequent usage relating to a site address. The method also includes distributing a user unit to each of a plurality of end users for accessing the site address. Each user unit is given the site address, and at least one unique personal identification number. In connection with said billing system, the computerized system is programmed to permit a call of a preset message limit to be made by each end user to the site address provided. This is based on the distributed user unit and accessed only by the unique personal

29

identification number provided to the end user. In response to an

end user accessing the site address, a predetermined message is

provided in accordance with the preset message limit. The

messages record of each consumed user unit is captured by the

computerized system and can be used by the sponsor for database

marketing. The session is terminated and an appropriate amount is

charged to the account of the sponsor.

- **Teper et al.** (US Pat. 5,815,665 - 9/29/1998) disclose a

system and a method for providing trusted brokering services over

a distributed network; wherein, an Online Brokering Service

provides user authentication and billing services to allow users

to anonymously and securely purchase online services from Service

Providers (SP) sites (e.g., World Wide Web sites) over a

distributed public network, which may be an untrusted public

network such as the Internet. Users and SP sites initially

register with the Brokering Service, and are provided with

respective client and server software components for using the

Brokering Service. In one embodiment, when a user initially

connects to an SP site, the SP site transmits a challenge message

over the public network to the user computer, and the user

computer generates and returns and cryptographic response message

(preferably generated using a password of the user). The SP site

then passes the response message to the Brokering Service, which

in-turn looks up the user's password and authenticates the
response message. If the response message is authentic, the
Online Brokering Service transmits an anonymous ID to the SP
site, which can be used for subsequently billing the user. In
addition, the Online Brokering Service transmits user-specific
access rights data to the SP site, allowing the SP site to
customize its services for the particular user. Billing events
generated by the SP sites are transmitted to the Brokering
Service, which maintains a user-viewable bill that shows all
charges from all SP sites accessed by the user. Advantageously,
the payment information (e.g., credit card number) and other
personal information of users are not exposed to the SP sites,
and are not transmitted over the distributed network.

Shane ,US Pat. 5,793,972 8/11/1998 System and method for
providing an interactive response to direct mail by creating
personalized web page based on URL provided on mail piece;
wherein a system for providing an interactive response to direct
mail programs comprises a recipient database, a mail generator,
and a web server computer operationally connected through the
Internet to remote computers accessible by direct mail
recipients. The recipient database stores data records containing
addressing information such as the name, mail, fax or e-mail
address, and a unique personal identification code for each

direct mail recipient. The mail generator retrieves recipient
data from the database and generates a multiplicity of direct
mail pieces each displaying the name, address, and a uniform
resource locator containing the personal identification code for
one recipient. A responding recipient accesses the web server
computer by entering the uniform resource locator displayed on
the direct mail piece into a web browser on a remote computer.
The web server computer retrieves recipient data from the
recipient database correlated to the personal identification code
contained in the uniform resource locator and uses this recipient
data to create a unique interactive web page.

10. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Cuong H.
Nguyen whose telephone number is 703-305-4553 The examiner can
normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be
reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

Commissioner of Patents and Trademarks
Washington D.C.   20231

or faxed to:

09/240,250
Art Unit 3625

(703)305-7687   [Official communications; including

After Final communications labeled "Box AF"]

703-746-5572 (RightFax) Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park

5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the

Receptionist whose telephone number is (703)308-1113.

Cuonghnguyen
Primary Examiner
Dec. 27, 2002

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